REMARKS

Claims 1-29 are pending in the present application. Reconsideration of the claims is respectfully requested.

I.   Application to be Considered Special

This application has received a third, non-final Office Action. As per MPEP § 707.02, Applicants respectfully request that the Supervisory Patent Examiner personally check on the pendency of this application and make every effort to terminate prosecution.

II.   35 U.S.C. § 101

The Office Action has rejected claims 15-18 and 25-26 under 35 U.S.C. § 101 as being directed towards non-statutory subject matter. This rejection is respectfully traversed.

Regarding claims 15-18, 25, and 26, the Office Action alleges that these claims are directed to a computer-usable medium that may include "intangible" embodiments and thus, the claim is directed to non-statutory subject matter. There is no basis for holding a computer usable medium claim non-statutory because the medium may be allegedly "intangible." As stated in MPEP 2106 (IV)(B)(1):

> In this context, "functional descriptive material" consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of "data structure" is "a physical or logical relationship among data elements, designed to support specific data manipulation functions." The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) "Nonfunctional descriptive material" includes but is not limited to music, literary works and a compilation or mere arrangement of data.
>
> When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994) (claim to data structure stored on a computer readable medium that increases computer efficiency held statutory) and

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Warmerdam, 33 F.3d at 1360-61, 31 USPQ2d at 1759 (claim to computer having a specific data structure stored in memory held statutory product-by-process claim) with *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure *per se* held nonstatutory). **(emphasis added)**

The present invention as recited in claims 15-18, 25, and 26 is clearly functional descriptive material since it imparts functionality when employed as a computer component. Moreover, the functional descriptive material of claims 15-18, 25, and 26 is recorded on "some" computer-readable medium.

In the above context, the term "some" means "any" computer-readable medium. The MPEP does not draw any distinctions between one type of media that is considered to be statutory and another type of media that is considered to be non-statutory. To the contrary, the MPEP clearly states that as long as the functional descriptive material is in "some" computer-readable medium, it should be considered statutory. The only exceptions to this are functional descriptive material that does not generate a useful, concrete and tangible result, e.g., functional descriptive material composed completely of pure mathematical concepts that provide no practical result. The present invention as recited in claims 15-18, 25, and 26 clearly provides a useful, concrete and tangible result in that items similar to a target item, identified by a cursor's position, are identified and an indicator of these similar items is provided so that these similar items may be accessed. This is not just some disembodied mathematical concept or abstract idea.

Thus, the invention as recited in claims 15-18, 25, and 26 is directed to functional descriptive material that provides a useful, concrete and tangible result, and which is embodied on "some" computer-readable medium. Therefore, the invention recited in claims 15-18, 25, and 26 is statutory.

Moreover, even if claims 15-18, 25, and 26 cover carrier waves and signal or transmission media, the Examiner is incorrect in the allegation that such waves and media are "intangible." The term "tangible" is not limited to elements that may be perceived only by the sense of touch. To the contrary, the term "tangible" refers to anything that is capable of being perceived, precisely identified or realized by the mind, or capable of being appraised at an actual or approximate value. In other words, something is

"tangible" if it is possible to verify its existence. This does not require that the element be "touchable" but merely "perceivable."

Carrier waves and signal or transmission media are clearly perceivable, able to be precisely identified or realized by the mind, and are capable of being appraised. In other words, carrier waves and signal or transmission media are measurable by appropriate devices for measuring such waves and media. Thus, they are "tangible" despite the allegations made by the Office Action. Since these types of media are "tangible," even if there were some requirement in the MPEP that the media be "tangible," then the present claims would still meet this requirement and thus, be directed to statutory subject matter.

Thus, based on the MPEP and applicable case law, the Examiner has no basis for holding claims 15-18, 25, and 26 to be non-statutory. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 15-18, 25, and 26 under 35 U.S.C. § 101.

III.   U.S.C. § 103, Alleged Obviousness, Claims 1-7 and 9-29

The Office Action rejects claims 1-7 and 9-29 under 35 U.S.C. § 103(a) as being unpatentable over Budin et al. (U.S. Patent No. 5,276,703) in view of Eerola (U.S. Patent No. 6,678,518 B2). This rejection is respectfully traversed.

As to claim 1, the Office Action states:

> Regarding claim 1, Budin et al. disclose in Figures 1 and 3 a system for providing dynamically shared documents, comprising: a hub (e.g. 12 in Figure 1 or 30 in Figure 3), wherein the hub is not connected to any external network (e.g. Figure 1 is a complete enclosed network as access point hub in wireless network, the wireless hub unit does not connect to any other switch/hub/router to any other network); and a plurality of computing devices in physical proximity with the hub (e.g. 14a-14g must be within a defined range to communicate with others; the further away from the hub unit, the weaker signal would be and eventually no communication is possible due to noise); wherein each of the plurality of computing devices communicates with the hub via only a wireless connection (e.g. all the subscriber unit "SU" must communicate through hub unit by wireless medium as seen in Figures 1 and 3 with label as 16 for down-link and 18 for up-link); the hub receives and retransmits requested documents between selected computing devices of the plurality of computing devices (e.g. inherently for the property of hub unit). Budin

et al. do not disclose clearly each of the plurality of computing devices translates each requested document into a system independent language prior to transmitting the requested documents to the hub; and each of the plurality of computing devices translates each received documents from the hub. However, Eerola discloses a system for translating each requested document into a system independent language prior to transmitting the requested documents to the hub; and vice versa (e.g. col. 2 lines 4-34). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to add a step of translating each requested document into a system independent language prior to transmitting the requested documents to the hub; and vice versa as seen in Eerola's invention into Budin et al.'s invention because it would allow different systems to communicate each other.

Office Action dated June 22, 2005, pages 3-4.

Claim 1, which is representative of the other rejected independent claims 11, 15, and 19, with regard to similarly recited subject matter, reads as follows:

1.   A system for providing dynamically shared documents, comprising:
        a hub, wherein the hub is not connected to any external network; and
        a plurality of computing devices in physical proximity with the hub; wherein
        each of the plurality of computing devices communicates with the hub via only a wireless connection;
        the hub receives and retransmits requested documents between selected computing devices of the plurality of computing devices;
        each of the plurality of computing devices translates each requested document into a system independent language prior to transmitting the requested document to the hub; and
        each of the plurality of computing devices translates each received document from the hub.

Applicants respectfully submit that Budin and Eerola, taken alone or in combination, fail to teach or suggest every element of the claimed invention arranged as they are in the claims. Specifically, Budin and Eerola, whether alone or in combination, do not teach or suggest a hub that is not connected to any external network.

Budin is directed to a local area network including at least one hub unit, at least one associated station unit and a wireless communication link between each hub unit and its associated station units. The communication link includes a wireless down-link channel for transferring information from each hub unit to its associated station units and

a wireless up-link channel for transferring information from each station unit to its associated hub unit.

The Office Action alleges that Budin teaches a hub that is not connected to any external network. While Budin may teach a hub, the hub is clearly connected to an external network as shown in **Figure 3**, which is shown as follows:
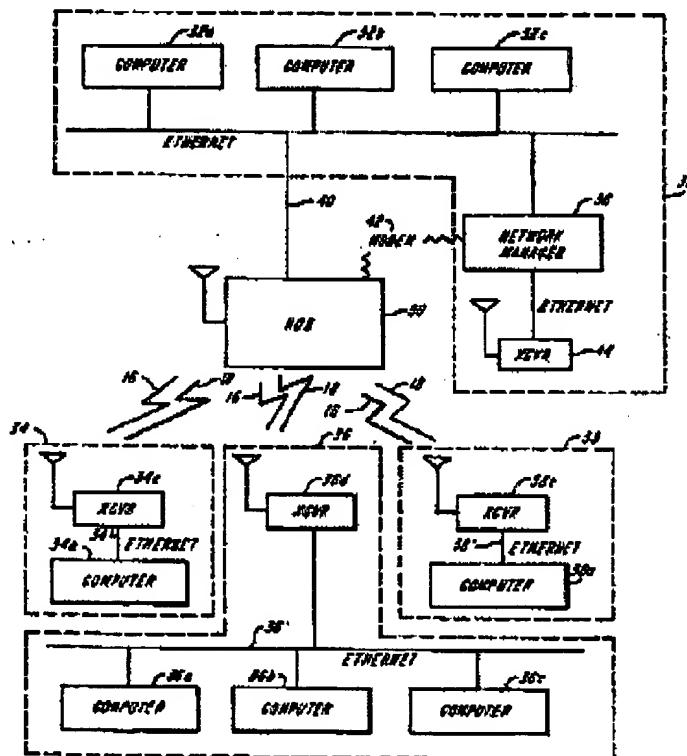

FIG. 3

As can be seen in this figure and as described in Budin's supporting documentation, the hub 30 is connected to network 32 by way of a wired interconnection 40. The hub 30 is also in connected to network manager 38 via modem 42 and a wireless transceiver 44. Thus, Budin teaches a hub that is connected to a network using three different methods.

The Advisory Action dated January 21, 2005, states:

> Applicants argues in pages 11-12 for claims 1, 11, 15 and 19 respectively that Budin et al. (Hereafter Budin) U.S. Patent 5,276,703 does not disclose, teach or suggest the hub, wherein the hub is not connected to

any external network. The examiner respectfully submits that with respect
to figure 1 of Budin invention discloses a Hub Unit (HU) 12 and a
plurality of Subscriber units (SUs) 14a-14g are wirelessly communicates
and wherein the Hub is not connected to any external network. Budin
further discloses in figure 3 an alternative embodiment of the invention
wherein Hub 30 acts as a central controller for a plurality if networks
32,34,36, and 38, both hardwired and wireless. Budin's figure 3 shows
that the hub and plurality of networks are communicate on a single
network which is not connected to an external network.

Figure 1 of Budin and the related description in column 6, lines 47-58 read as follows:
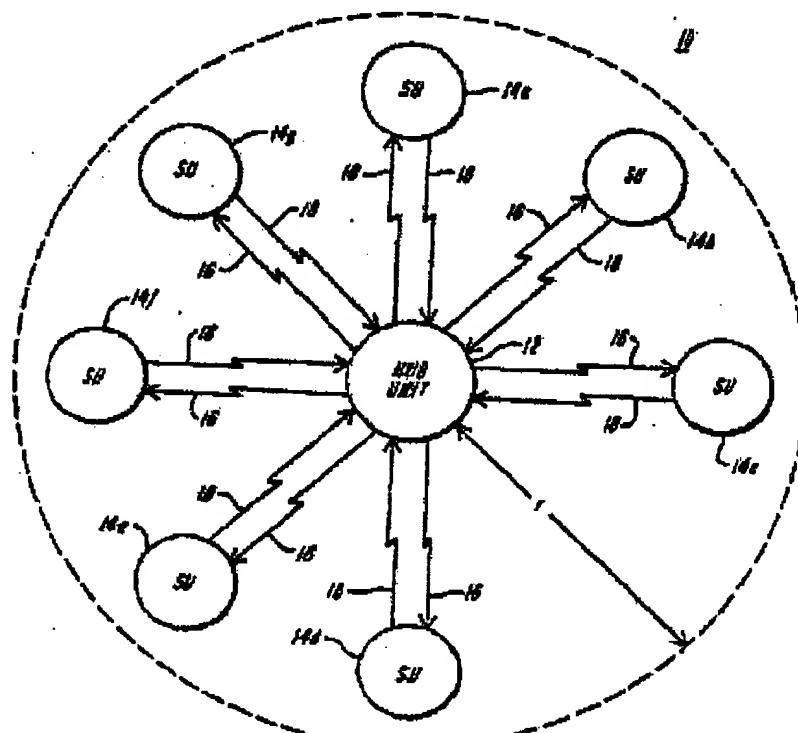
FIG. 1

(Figure 1)

FIG. 1 shows a wireless multiple access communication network
10 according to the invention. The system of FIG. 1 includes a Hub Unit
(HU) 12 in radio communication with a plurality of Subscriber Units
(SUs) 14a-14g. All transmissions from the HU 12 to the SUs 14a-14g are
over a channel 16. That channel operates at a frequency of 5.78 GHz in the
depicted embodiment. All transmissions from the SUs 14a-14g to the HU
12, are over an up-link channel 18. The SU to HU transmission frequency

is 2.44 GHz. Both channels, 16 and 18 thus operate at frequencies at
which significant reflections occur from local objects.

(Column 6, lines 47-58)

While this figure and section of Budin shows a hub communicating with subscriber units,
Budin does not teach whether the hub is or is not connected to a network. One of
ordinary skill in the art would have to look to the **entire teachings** of Budin. Thus,
Applicants refer to **Figure 3** and the related description. As discussed above, **Figure 3**
describes a hub **30** that is connected to network **32** by way of a wired interconnection **40**.
The hub **30** is also in connected to network manager **38** via modem **42** and a wireless
transceiver **44**. Furthermore, Budin also states in column 7, lines 54-63 the following:

> As in the case of the system of FIG. 1, the HU 30 receives
> transmissions over channel 18 from the various wireless tranceivers and
> retransmits them over channel 16 to all devices in its Effective Service
> Area. It also sends this same information over a wired connection 40 to
> bus 32'. Information transmitted to the HU 30 from the bus 32' is also
> broadcast to all wireless tranceivers. As can be seen from network 36, a
> single wireless transceiver may support a plurality of data terminals
> operating over a hardwired network.

In this section Budin specifically teaches that the information that is sent and received
from the subscriber units is also sent over the wired connection **40** to bus **32**. Bus **32** is
an Ethernet bus which is a Local Area Network. Applicants respectfully submit that the
communication of information from the hub to the Local Area Network is not equivalent
to a hub that is not connected to any external network. The LAN of Budin is a network,
which is external to the hub.

A similar distinction applies to independent claims 11, 15, 19, 23, 25, and 27.
Independent claims 15, 17, and 19 recite "sending, from a first data processing system, a
request, in a system independent language, for a shared document from a second data
processing system to a hub in close proximity to the first and second data processing
systems via only a wireless communication signal, **wherein the hub is not connected to
any external network;** receiving, from the hub, via only the wireless communication
link, the shared document, formatted in the system independent language; and translating
the shared document from the system independent language into a first data processing
system preferred data format for presentation to a user." Independent claims 23, 25, and

27 recite "receiving a request in a system independent format from a first data processing system via only a **wireless communication link**; broadcasting the request to a second data processing system via **only the wireless communication link**; receiving an answer in a system independent format from the second data processing system **via only the wireless communication link**; and broadcasting the answer to the first data processing system via only the **wireless communication link**."

As Budin teaches communications between a wireless communication device through a hub, which is connected to a external network through numerous means, there is no teaching in the Budin reference for the wireless communication devices to communicate to each other through the hub, which is not connected to any external network.

Eerola does not make up for the deficiencies of Budin. That is, Eerola does not teach or suggest a hub that is not connected to any external network. Eerola is directed to a system for dynamically converting data between a mobile station in a wireless communication network and an origin server in a wide area network. The method includes sending from the mobile station to a gateway server a request for resource located on an origin server in a wide area network. One or more servlets are initiated in the gateway server. The request is processed and information is dynamically generated related to the request by the one or more servlets. The processed request is sent by the one or more servlets to the origin server. The requested resource received from the origin server is then processed by the one or more servlets, which then generate a response including information indicating content type of the requested resource. The requested resource is thereafter converted from the indicated content type to another content type prior to transmission to the mobile station.

Thus, in the system of Eerola a wireless request is sent from a mobile station to a base station, the request is forwarded wirelessly from the base station to a switching control point, the request is sent over a wired connection from the switching control point to a gateway server, and, finally, the request is sent over a wired connection from the gateway server to a **origin server in a wide area network**. The response to the request from the origin server in the wide area network is converted by servlets in the gateway server from the indicated content type to another content type prior to transmission to the

requesting mobile station. Applicants respectfully submit that Eerola, in addition to not teaching or suggesting a hub, does not teach or suggest a gateway server or an origin server that is not connected to an external network.

Furthermore, Budin and Eerola, either alone or in combination, do not teach or suggest each of the plurality of computing devices translates each requested document into a system independent language prior to transmitting the requested document to the hub and each of the plurality of computing devices translates each received document from the hub. The Office Action acknowledges that Budin does not teach these features; however, the Office Action alleges that Eerola teaches these features at column 2, lines 4-34, which reads as follows:

> According to an aspect of the invention, the method uses Java™ servlets in a gateway server to process resource requests from a mobile station and requested resources from an origin server in a wide area network. The servlets are arranged in a plurality of chains such that output from one servlet is processed by a subsequent servlet in the same chain. The servlets communicate with an administrator module, for invoking appropriate servlets, in the gateway server through an application programming interface. The servlets are configured to perform content conversions so as to adapt the requested content in accordance with user preferences, to optimize the content to a user device, to perform graphics conversions, or to automatically translate from one language to another, etc.
>
> In one embodiment, there is provided a method for dynamically converting data between a mobile station in a wireless communication network and an origin server in a wide area network. The method includes sending from the mobile station to a gateway server a request for a resource located on an origin server in a wide area network. One or more servlets initiated in the gateway server are selectively invoked. The request is processed and information is dynamically generated related to the request by the one or more servlets. The processed request is sent by the one or more servlets to the origin server. The requested resource received from the origin server is then processed by the one or more servlets, which then generate a response including information indicating content type of the requested resource. The requested resource is thereafter converted from the indicated content type to another content type prior to transmission to the mobile station.

This section of Eerola describes a gateway server that contains servlets that are configured to perform content conversions so as to adapt the requested content in accordance with user preferences, to optimize the content to a user device, to perform

graphics conversions, or to automatically translate from one language to another. The presently claimed invention translates each requested document into a system independent language by each of the plurality of computing devices **prior to transmitting** the requested document to the hub. In the Eerola system, the request is sent from the mobile station through a base station and a switching control point to a gateway server where the request is converted by servlets in the gateway server prior to sending the request to an origin server. The response to the request from the origin server is converted by the servlets in the gateway server before being sent to the mobile station. Thus, Eerola does not teach a mobile station that translates requested document into a system independent language **prior** to transmitting the requested document to the gateway server or origin server. Additionally, Eerola does not teach or suggest a plurality of computing devices translates each received document from the hub. That is, only the servlets within the gateway server convert content.

Moreover, nether of the references teaches or suggests the desirability of incorporating the subject matter of the other reference. The Final Office Action alleges that the motivation would be it would allow different systems to communicate with each other. However, as discussed, while Budin teaches a hub, Budin and Eerola, taken alone or in combination, fail to teach or suggest a hub that **is not connected to any external** network or each of the plurality of computing devices translates each requested document into a system independent language prior to transmitting the requested document to the hub and each of the plurality of computing devices translates each received document from the hub. Thus, the only teaching or suggestion to even attempt the alleged combination is based on a prior knowledge of Applicants' claimed invention thereby constituting impermissible hindsight reconstruction using Applicants' own disclosure as a guide.

One of ordinary skill in the art, being presented only with Budin and Eerola, and without having a prior knowledge of Applicants' claimed invention, would not have found it obvious to combine and modify Budin and Eerola to arrive at Applicants' claimed invention. To the contrary, even if one were somehow motivated to combine Budin and Eerola, and it were somehow possible to combine the systems, the result would not be the invention, as recited in claim 1. The resulting system still would not

have a hub that is not connected to any external network or each of the plurality of computing devices that translates each requested document into a system independent language prior to transmitting the requested document to the hub and each of the plurality of computing devices that translates each received document from the hub.

In view of the above, Applicants respectfully submits that the Budin and Eerola, taken alone or in combination, fail to teach or suggest the features of claims 1, 11, 15, 19, 23, 25, and 27. At least by virtue of their dependency on claims 1, 11, 15, 19, 23, 25, and 27, the features of dependent claims 2-7, 9-10, 12-14, 16-18, 20-22, 24, 26, 28, and 29 are not taught or suggested by Budin and Eerola, whether taken individually or in combination. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1-7 and 9-29 under 35 U.S.C. § 103(a).

Moreover, in addition to their dependency from independent claims 1, 11, 15, 19, 23, 25, and 27, the specific features recited in dependent claims 2-7, 9-10, 12-14, 16-18, 20-22, 24, 26, 28, and 29 are not taught by Budin and Eerola, whether taken alone or in combination. For example, with regard to claim 9, Budin and Eerola, either alone or in combination, do not teach or suggest wherein transmissions between each of the plurality of computing devices and the hub are infrared transmissions. The Office Action alleges that this feature is taught at **Figures 1** and **3**, shown above. The supporting description of **Figures 1** and **3**, also shown above, describes the operation of the Budin system at the 5.78 GHz and 2.24 GHz frequencies which are super high and ultra high <u>radio frequencies</u> and, thus, not infrared transmissions.

The Advisory Action dated January 21, 2005, states:

> In page 15, that applicant argues for claim 9 that the cited reference does not disclose or teache wherein transmissions between each of the plurality of computing devices and the hub are infrared transmission. The examiner respectfully submits that the infrared transmission is the invisible radiation wavelength which can be translated as wireless transmission, which is disclose in Budin's reference.

While infared transmission can be translated as wireless transmission, as discussed above, Budin teaches the operation of the Budin system at the 5.78 GHz and 2.24 GHz frequencies which are super high and ultra high <u>radio frequencies</u> and, thus, not infrared

transmissions which, as acknowledged by the Examiner, are in the invisible radiation wavelength and not in the super high and ultra high radio frequencies.

Therefore, in addition to being dependent on independent claim 1, 11, 15, 19, 23, 25, and 27, dependent claims 2-7, 9-10, 12-14, 16-18, 20-22, 24, 26, 28, and 29 are also distinguishable over Budin and Eerola, either alone or in combination, by virtue of the specific features recited in these claims. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 2-7, 9-10, 12-14, 16-18, 20-22, 24, 26, 28, and 29 under 35 U.S.C. § 103(a).

IV.   U.S.C. § 103, Alleged Obviousness, Claim 8

The Office Action rejects claim 8 under 35 U.S.C. § 103(a) as being unpatentable over Budin et al. (U.S. Patent No. 5,276,703) in view of Eerola (U.S. Patent No. 6,678,518 B2) and further in view of Koperda (U.S. Patent No. 5,790,806). This rejection is respectfully traversed.

Claim 8 is dependent on independent claim 1, thus, this claim distinguishes over Budin and Eerola for at least the reasons noted above with regards to claim 1. Moreover, Koperda does not provide for the deficiencies of Budin and Eerola and thus, any alleged combination of Budin, Eerola, and Koperda would not be sufficient to reject claim 1 or claim 8 by virtue of its dependency. That is, Koperda does not teach or suggest a hub that is not connected to any external network, as recited in claim 1 from which claim 8 depends. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 8 under 35 U.S.C. § 103(a).

V.   Conclusion

It is respectfully urged that the subject application is patentable over the prior art of record and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

DATE: _September 21, 2005_
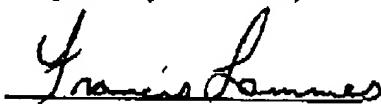
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